

reimbursement of costs for the development and packaging of the docket and project whether it is by outside technical assistance or by the applicant itself.

Two respondents suggested wording change to permit paying for technical assistance from a for-profit organization. This is not possible since, in accordance with the Housing Act of 1949, this assistance is limited to eligible *nonprofit* private and public agencies, not *for-profit* entities. This does not impact for-profit firms providing architectural, engineering and other specific services as they do now.

One respondent asked what type of plan would be needed to implement the reimbursement, and who would have the authority to approve such a plan? The revised regulation now includes a revision to Exhibit A-1, advising that projected technical assistance and in-house costs should be incurred only after negotiation with the State/District Office staff as soon as possible in the applicant's process of developing a preapplication. Based upon what is typical in the area, the Agency will respond in writing approving the packaging plan and a range of costs in advance. The State Director or the delegated official will have the authority to approve the packaging plan. The cost breakdown submitted with the preapplication will also include the negotiated and agreed upon costs for such plan.

One respondent asked whether current applications would allow documented retroactive costs be reimbursed. The revised rule will be effective 30 days after publication and the agency will permit reimbursement on a case-by-case basis for projects authorized and not yet obligated as of the effective date.

**Environmental Impact Statement**

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." It is the determination of the Agency that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Public Law 91-190, an Environmental Impact Statement is not required.

**Intergovernmental Review**

This program/activity is listed in the Catalog of Federal Domestic Assistance under Number 10.405, Farm Labor Housing Loans and Grants, and as provided for in 7 CFR, part 1940 subpart J, is subject to the provisions of

Executive Order 12372 which requires intergovernmental consultation with State and local officials.

**List of Subjects in 7 CFR Part 1944**

Farm labor housing, Grant programs—Housing and community development, Loan programs—Housing and community development, Migrant labor, Nonprofit organizations, Public housing, Rent subsidies, and Rural housing.

Therefore, chapter XVIII, title 7, Code of Federal Regulations is amended as follows:

**PART 1944—HOUSING**

1. The authority citation for part 1944 continues to read as follows:

**Authority:** 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

**Subpart D—Farm Labor Housing Loan and Grant Policies, Procedures and Authorizations**

2. Section 1944.158 is amended by revising paragraph (i) to read as follows:

**§ 1944.158 Loan and grant purposes.**

\* \* \* \* \*

(i) Provide loan/grant funds to enable a nonprofit group or public body to be reimbursed for technical assistance received from a nonprofit organization, with housing and/or community development experience, to assist the nonprofit applicant entity in the development and packaging of its loan/grant docket and project.

(1) Loan and grant funds may also be used to reimburse any appropriate and necessary legal, architectural, engineering, technical, and professional fees.

(2) Costs incurred by the nonprofit applicant entity for development and packaging of its own loan/grant docket and project may also be reimbursed. Any costs incurred by the entity for its own formation and incorporation are not reimbursable.

(3) The amount to be reimbursed for developing and packaging the loan/grant docket and project are limited by the total development cost (excluding initial operating and capital expenses). Reimbursed costs may range from 2 to 4 percent of total development costs and should reflect costs that are reasonable and typical for the area. In no case will the Agency reimburse in excess of 4 percent.

(4) The packaging costs are not required to be considered a part of the security value of the project.

(5) Related project costs as listed in § 1944.169 of this subpart are not included as a part of the costs for

development and packaging of the loan/grant docket and project.

\* \* \* \* \*

3. Exhibit A to subpart D is amended by adding a new paragraph immediately following the first undesignated paragraph to read as follows:

**Exhibit A—Labor Housing Loan and Grant Application Handbook**

*Introduction*

\* \* \* \* \*

Payments for technical assistance incurred by a nonprofit group or public body applicant entity for developing and packaging an application will be reimbursed with loan and grant funds. If the services are performed, the proceeds will be limited and must be documented. The reimbursable costs should be negotiated and approved by the Agency in advance of the applicant entity's process of packaging and developing a preapplication. Based upon what is typical in the area, the Agency will respond in writing approving the packaging plan and a range of costs in advance.

\* \* \* \* \*

4. Exhibit A-1 to subpart D is amended in the first sentence of paragraph II D. by revising the reference "Subpart A of Part 1804 of this chapter (FmHA Instruction 1924-A)" to read "subpart A of part 1924 of this chapter" and by revising paragraph II. E. to read as follows:

**Exhibit A-1—Information to be Submitted by Organizations and Associations of Farmers for Labor Housing Loan or Grant**

\* \* \* \* \*

II. \* \* \*

E. A detailed cost breakdown of the project for items such as land purchase, right-of-ways, building construction, equipment, utility connections, on-site improvements, architectural and/or engineering services, and legal services. Also, if applicable, the cost breakdown should include the costs incurred for the development and packaging of its own application. These costs may range from 2 to 4 percent of total development cost (excluding initial operating and capital expenses) and should reflect costs that are reasonable and typical for the area. Costs in excess of 4 percent will not be reimbursed. The cost breakdown should itemize labor and material unit costs. If an LH grant is proposed, construction will be subject to the provisions of the Davis-Bacon Act. LH grant applicants should, therefore, obtain a copy of Subpart D of Part 1901 of this chapter which explains the Davis-Bacon requirements.

\* \* \* \* \*

Dated: December 29, 1994.

**Michael V. Dunn,**

*Acting Under Secretary for Rural Economic and Community Development.*

[FR Doc. 95-1420 Filed 1-19-95; 8:45 am]

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**NUCLEAR REGULATORY COMMISSION****10 CFR Chapter I****NRC Policy Statements; Withdrawal**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Policy statements; Withdrawal.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is withdrawing a number of its Policy Statements which have been superseded by subsequent NRC rulemaking actions. The action taken by the NRC does not change reporting requirements on licensees or reduce the protection of the public health and safety in any way.

**EFFECTIVE DATE:** This action is effective January 20, 1995.

**FOR FURTHER INFORMATION CONTACT:** A.J. DiPalo, Office of the Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-6191.

**SUPPLEMENTARY INFORMATION:****Background**

Based on a comprehensive review of its regulations and regulatory guidance, the NRC has decided to withdraw a number of its Policy Statements that have been superseded by subsequent NRC rulemaking actions. This action does not change reporting requirements on licensees or reduce the protection of the public health and safety in any way.

The following Policy Statements have been superseded and are being withdrawn:

**1. Nuclear Power Plant Access Authorization Program**

The NRC published a proposed Policy Statement, "Nuclear Power Plant Access Authorization Program," on March 9, 1988 (53 FR 7534). This Policy Statement was never published as a final Policy Statement, however it advocated that each licensee who operates a nuclear power plant establish an access authorization program which would ensure that individuals who require unescorted access to protected areas or vital areas of their facilities are trustworthy, reliable, emotionally stable, and would not subvert radiological security. Based on an evaluation of the public comments on the proposed Policy Statement, the NRC determined that, although many licensees had access authorization programs that conformed to the "Industry Guidelines," not all licensees had such programs in place, and of those that did, not all fully incorporated the "Industry Guidelines" into their Physical Security Plan.

Subsequently, the NRC published a final rule, "Access Authorization Program for Nuclear Power Plants," (10 CFR 73.56) on April 25, 1991 (56 FR 18997), that would have superseded the above Policy Statement had it been published as a final Policy Statement. This final rule fulfilled the objectives of the proposed Policy Statement by requiring that all licensees authorized to operate a nuclear power plant have a required Access Authorization Program incorporated into their Physical Security Plan.

**2. Training and Qualification of Nuclear Power Plant Personnel**

In Section 306 of the Nuclear Waste Policy Act of 1982 (NWPA), Public Law 97-425, the NRC was directed to promulgate regulations, or other appropriate Commission regulatory guidance for the training and qualifications of civilian nuclear power plant operators, supervisors, technicians, and other operating personnel. The NRC published a Policy Statement, "Training and Qualification of Nuclear Power Plant Personnel," March 20, 1985 (50 FR 11147), to fulfill its responsibility under the Act. The Policy Statement was amended on November 18, 1988 (53 FR 46603). On April 17, 1990, the U.S. Court of Appeals for the District of Columbia Circuit concluded that the Commission's Policy Statement did not meet the intent of the Congressional directive to promulgate regulations or other appropriate regulatory guidance. The Commission requested a rehearing of the decision by the full Court, which was denied on June 19, 1990. In response to the Court's decision, the NRC published a final rule, "Training and Qualification of Nuclear Power Plant Personnel," (10 CFR 50.120) on April 26, 1993 (58 FR 21904). The final rule fulfilled the objectives of the Policy Statement by establishing requirements and essential elements of the process to determine training and qualification requirements for all appropriate nuclear power reactor personnel.

**3. Fitness-For-Duty of Nuclear Power Plant Personnel**

The NRC published a Policy Statement, "Fitness-For-Duty of Nuclear Power Plant Personnel," on August 4, 1986 (51 FR 27921). The purpose of this Policy Statement was to encourage the industry to develop and implement its own initiatives, or to adopt those initiatives of the Edison Electric Institute, to assure that all nuclear power plant personnel with access to vital areas at operating plants are fit for duty. The Commission deferred

rulemaking in this area for a period of 18 months to evaluate licensee implementation of these initiatives.

However, based on a dramatic increase in the number of drug use and abuse events since 1985, the NRC published a final rule, "Fitness-for-Duty-Program," (10 CFR Part 26) on June 7, 1989 (54 FR 24468). This rule fulfilled the objectives of the Policy Statement by requiring that licensees authorized to construct and operate nuclear power plants implement a Fitness-for-Duty Program intended to create an environment which is free of drugs and the effects of these substances.

**4. Maintenance of Nuclear Power Plants**

On December 8, 1989 (54 FR 50611), the NRC published a Policy Statement, "Maintenance of Nuclear Power Plants," with the purpose of encouraging licensees to enhance safety by improving plant maintenance. The NRC monitored the industry for 18 months and found that common maintenance related weaknesses continued to persist in some plants. Thus, the NRC published a final rule, "Monitoring the Effectiveness of Maintenance at Nuclear Power Plants," (10 CFR 50.65) on July 10, 1991 (56 FR 31306). This final rule which supersedes the above Policy Statement, will become effective July 10, 1996. Implementation of the rule was postponed until that time to provide licensees of the nuclear power plants the opportunity to plan and monitor their maintenance activities in accordance with the requirements of the 1996 rule. Currently all nuclear power plants have active maintenance programs in place. Thus NRC does not anticipate that this course of action will have any adverse impact on public health and safety. The final rule fulfilled the objectives of the Policy Statement by establishing requirements for monitoring and evaluation of plant maintenance activities.

**5. Information Flow**

On July 20, 1982 (47 FR 31482), the NRC published a Policy Statement, "Information Flow," with the intent to remind licensees of their responsibility to provide the Commission with timely, accurate, and sufficiently complete information during an incident or significant event.

Subsequent to issuance for publication of the 1982 Policy Statement, the Commission published two regulations for reporting of events involving commercial nuclear power plants: "Immediate Notification Requirements for Operating Nuclear Power Reactors," 10 CFR 50.72, August

29, 1983, (48 FR 39046); and "Licensee Event Report System," (10 CFR 50.73), July 26, 1983, (48 FR 33858). The former specifically addresses reporting requirements during the course of an event. The Commission also published a regulation (10 CFR 50.9, December 31, 1987 (523 FR 49372)), requiring that information provided to the Commission be complete and accurate in all material respects, and that licensees notify the Commission of information having significant implication for public health and safety or common defense and security. In addition, the Commission published similar regulations regarding reporting of nuclear material events (e.g., 10 CFR 30.50 and 10 CFR 30.9 and 10 CFR 72.74 and 10 CFR 72.11). Timely, accurate and complete information continues to be of great importance to the Commission. Rules have been promulgated which fulfill the objectives of the Policy Statement in ensuring timeliness, accuracy, and completeness of the reported information.

#### 6. Planning Basis For Emergency Responses to Nuclear Power Reactor Accidents

On October 23, 1979 (44 FR 61123), the NRC published a Policy Statement, "Planning Basis for Emergency Responses to Nuclear Power Plant Accidents," to endorse the guidance developed by a joint task force of the NRC and Environmental Protection Agency (EPA) on radiological emergency response plans to be developed by off-site agencies.

After reviewing public comments on the policy statement, information obtained from workshops held on the subject and reports from a Presidential Commission, the NRC published a final rule, "Emergency Planning," (10 CFR Parts 50 and 70) on August 19, 1980 (45 FR 55402). The final rule fulfilled the objectives of the Policy Statement by upgrading the NRC's emergency planning regulations to assure that adequate protective measures can and will be taken in the event of a radiological emergency.

Dated at Rockville, Maryland, this 6th day of January 1995.

For the Nuclear Regulatory Commission.

**James M. Taylor,**

*Executive Director for Operations.*

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## FEDERAL ELECTION COMMISSION

### 11 CFR Part 1

[Notice 1995-4]

#### Privacy Act; Implementation

**AGENCY:** Federal Election Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Election Commission ("Commission" or "FEC") is establishing a new system of records under the Privacy Act of 1974, "Inspector General Investigative Files (FEC 12)", consisting of the investigatory files of the Commission's Office of the Inspector General ("OIG"). The Commission is exempting this new system of records from certain provisions of the Privacy Act of 1974 ("Act").

**EFFECTIVE DATE:** February 21, 1995.

#### FOR FURTHER INFORMATION CONTACT:

Ms. Susan E. Propper, Assistant General Counsel, 999 E Street NW., Washington, DC 20463, (202) 219-3690 or (800) 424-9530.

**SUPPLEMENTARY INFORMATION:** Elsewhere in today's **Federal Register**, the Commission is publishing a Notice of Effective Date of the Notice of New and/or Revised Systems of Records under the Privacy Act, 5 U.S.C. 552a, as amended (published at 59 FR 53977, October 27, 1994). That Notice established a new system of records, FEC 12, "Office of Inspector General Investigative Files."

On October 27, 1994, the Commission published a Notice of Proposed Rulemaking seeking comments on a proposal to exempt this new system of records from certain provisions of the Act. 59 FR 53946. No comments were received in response to this Notice.

#### Statement of Basis and Purpose

*Section 1.14. Specific exemptions.* The Privacy Act and the implementing regulations require, among other things, that the Commission provide notice when collecting information, account for certain disclosures, permit individuals access to their records, and allow them to request that the records be amended. These provisions could interfere with the conduct of OIG investigations if applied to the OIG's maintenance of the new system of records.

Accordingly, the Commission is exempting FEC 12 from these requirements under sections (j)(2) and (k)(2) of the Act. Section (j)(2), 5 U.S.C. 552a(j)(2), exempts a system of records maintained by "agency or component thereof which performs as its principal

function any activity pertaining to enforcement of criminal laws \* \* \*." Section (k)(2), 5 U.S.C. 552a(k)(2), exempts a system of records consisting of "investigatory materials compiled for law enforcement purposes," where such materials are not within the scope of the (j)(2) exemption pertaining to criminal law enforcement.

FEC 12 consists of information covered by the (j)(2) and (k)(2) exemptions. The OIG investigatory files are maintained pursuant to official investigational and law enforcement functions of the Commission's Office of Inspector General under authority of the 1988 amendments to the Inspector General Act of 1978. See Pub. L. 100-504, amending Pub. L. 95-452, 5 U.S.C. app. The OIG is an office within the Commission that performs as one of its principal functions activities relating to the enforcement of criminal laws. In addition, the OIG is responsible for investigating a wide range of non-criminal law enforcement matters, including civil, administrative, or regulatory violations and similar wrongdoing. Access by subject individuals and others to this system of records could substantially compromise the effectiveness of OIG investigations, and thus impede the apprehension and successful prosecution or discipline of persons engaged in fraud or other illegal activity.

For these reasons, the Commission is exempting FEC 12 under exemptions (j)(2) and (k)(2) of the Privacy Act by adding a new paragraph (b) to 11 CFR 1.14, the section in which the Commission specifies its systems of records that are exempt under the Act. Where applicable, section (j)(2) may be invoked to exempt a system of records from any Privacy Act provision except: 5 U.S.C. 552a(b) (conditions of disclosure); (c) (1) and (2) (accounting of disclosures and retention of accounting, respectively); (e)(4) (A) through (F) (system notice requirements); (e) (6), (7), (8), (10) and (11) (certain agency requirements relating to system maintenance); and (f) (criminal penalties). Section (k)(2) may be invoked to exempt a system of records from: 5 U.S.C. 552a(c)(3) (making accounting of disclosures available to the subject individual); (d) (access to records); (e)(1) (maintaining only relevant and necessary information); (e)(4) (G), (H), and (I) (notice of certain procedures), and (f) (promulgation of certain Privacy Act rules). New paragraph (b) notes these specific exceptions and exemptions.